

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 003797.00674)

In re U.S. Patent Application of)	
Weissman, et al.)	Examiner: Harper, Leon Jonathan
)	
Application No. 10/692,164)	Art Unit: 2166
)	
Filed: October 23, 2003)	Confirmation No. 8355
)	
For: Composite View)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-14501

Applicant requests review of the final rejections in this application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons set forth below. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our deposit account no. 19-0733, accordingly.

Remarks

Having received and reviewed the final office action mailed 10/18/2006, Applicant submits that the standing rejections are based on one or more clear errors, and that the appeal process can be avoided through a pre-appeal brief review as set forth in the July 12, 2005, Official Gazette notice.

Claims 1-19 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Publication No. 2003/0126156 ("Stoltenberg") in view of U.S. Patent No. 5,684,990 ("Boothby").

Claim 1 now includes the feature of "comparing identity claims of at least two contact records stored in a computer operating system." The present application shows contact records stored within a computer operating system in Figure 3. Paragraph 28 of the present application describes some of the advantages of locating the contact records within the operating system as follows:

In the embodiment shown in Figure 3, records 306, 310, 314 and 318 are shown located within operating system 304. One of the advantages of locating the records within an operating system is that the number of APIs required to update data stored in several different stores can be minimized. In one embodiment of the invention, a single API is used to manage the data stored within publisher records, such as PDA publisher record 306, mobile phone publisher record 310 and contact application publisher record 314. This is in contrast to prior art systems in which a given store might be required to use one API for synchronizing data with data stored in a first application, a second API for synchronizing data with data stored in a second application, and so on.

Original claim 9 included the feature of “wherein the at least two contact records are part of a computer operating system.” On page 5, the Office Action alleges that this feature is found in paragraph 25 and indicates that “the computer/CPU must have an operating system.” Paragraph 25 at most describes a conventional computer device. There is no teaching or suggestion in paragraph 25 or the remainder of the reference of “contact records stored in a computer operating system,” as claimed in claim 1. This feature is also not found in Boothby or the remaining prior art of record. For at least these reasons, the Applicant submits that claim 1 and dependent claims 2-8 are in condition for allowance.

Claim 10 includes the features of “(b) identifying at least one publisher record that the user wishes to unmerge from the original composite record” and “(c) creating a new composite record.” The Office Action addresses claim 10 on pages 5-6 and indicated that paragraph 49 of Stoltenberg teaches “identifying at least one publisher record that the user wishes to unmerge from the original composite record.” The Office Action never addresses the differences between the claimed composite and publisher records. Stoltenberg describes one set of records and does not disclose composite and publisher records. Moreover, paragraph 49 of Stoltenberg merely describes the use of an “unmerge” button to unmerge a last record that was merged. There is no identification of “at least one publisher record that the user wishes to unmerge.” The only record that will be unmerged is the last merged record.

On page 6, the Office Action indicates that Boothby teaches “unlinking the at least one publisher record identified in b from the original composite record” in Col. 6, lines 40-47. The Applicant respectfully disagrees. There is no mention of “unlinking” in the cited section of Boothby. Moreover, the words “link” and “unlink” are not found in any section of Boothby. The cited section of Boothby merely describes a synchronization process.

Also on page 6, the Office Action alleges that it would have been obvious to incorporate the teachings of Boothby into the system of Stoltenberg because “records can be specified in many ways and linking and unlinking of records helps maintain the integrity of the system.” The Applicant respectfully submits that the Office Action has failed to establish a *prima facie* case of obviousness. It is unclear how the alleged teachings of Boothby could be incorporated into Stoltenberg. Stoltenberg merely describes the use of an “unmerge” button to unmerge a last record that was merged. It is unclear and the Office Action does not indicate which records would be linked. Stoltenberg uses a single record for each person and would have no need to link records or perform the claimed features of “(d) linking the at least one publisher record identified in (b) to the new composite record” and “(e) unlinking the at least one publisher record identified in (b) from the original composite record.”

For at least these reasons, the Applicant submits that claim 10 and dependent claims 11-13 are in condition for allowance.

Claim 14 is drawn to a method of assigning priorities to contact data synchronized from at least two stores to a common database and includes the features of “(a) receiving first contact data having elements arranged in a first order and corresponding to a contact” and “(b) comparing the first order to the order of second contact data having elements arranged in a second order and corresponding to the contact.” On page 7, the Office Action alleges that these features are found in paragraph 36 of Stoltenberg. Paragraph 36 of Stoltenberg merely describes an order for comparing records. There is no teaching or suggestion relating to orders of elements included within contact data. All of the records in Stoltenberg are assumed to have elements arranged in the same order, as shown in Figure 3b. The Office Action also cites column 5, lines 1-6 of Boothby. In the cited section, Boothby merely describes the use of identifications to associate records. There is no teaching or suggestion relating to the orders of elements within a record.

For at least these reasons, the Applicant submits that claim 14 and dependent claims 15-19 are in condition for allowance.

CONCLUSION

All issues having been addressed, applicant submits that this application is in condition for allowance and requests issuance of a notice of allowance. However, if for any reason the review panel believes the application is not in condition for allowance or there are any questions, the review panel is encouraged to contact the undersigned at (312) 463-5403.

Respectfully submitted,
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